

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: BRITESMILE DEVELOPMENT, INC.
Int'l Application No.: PCT/US2004/024070
For: COMPOSITIONS, METHODS, DEVICES, AND KITS FOR
MAINTAINING OR ENHANCING TOOTH WHITENING
Int'l Filing Date: JULY 28, 2004
Officer: INDIA L. EVANS

**PETITION PURSUANT TO PCT ARTICLE 14 RULE 4.15(b)
RESPONSE TO: NOTIFICATION OF MISSING REQUIREMENTS UNDER
35 U.S.C. 371 IN THE UNITED STATES DESIGNATED ELECTED OFFICE
(DO/EO/US)**

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Madam/Sir:

In response to the above referenced application, Applicant respectfully petitions under PCT Under Article 14 Rule 4.15(b), that provides that "where an applicant inventor for the designation of a State whose national law requires that national application be filed by the inventor (the United States of America is the only Contracting State to have such a requirement under its national law) refused to sign the request or could not be found or reach after diligent effort, the request need not be sign by that applicant inventor if it signed by at least one applicant and a statement and a statement is furnished explaining, to the satisfaction of the receiving Office, the lack of the signature concerned."

This instant Application was acquired through an Asset Purchase Agreement, the rights to this Application were assigned to Assignee through the attached Assignment Agreement (Attachment 7, page A3, WO2005011582). At the time of acquiring this Application, Applicant had no knowledge the filing fees nor the Inventor's Declaration were not submitted with the initial filing, as BriteSmile Development, Inc. was listed as the assignee on the published WO case. Applicant was made aware of these deficiencies with this Notice.

In support of this Petition, Applicant respectfully submits the following attachments:

1. E-mail Dated August 14, 2006, from Discus Dental, Inc. to outside counsel handling the prosecution, asking for executed inventor's declaration.

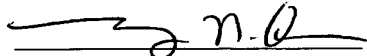
2. E-mail dated August 22, 2006, from outside counsel to inventor, Eric Montgomery, forwarding the application as filed and an unsigned declaration.
3. E-mail dated August 22, 2006, from Eric Montgomery to Discus Dental, Inc., requesting specification and claims.
4. E-mail dated August 22, 2006, from Discus Dental, Inc. to Eric Montgomery forwarding specification and claims to him.
5. E-mail dated August 23, 2006, from Eric Montgomery to Discus Dental, refusing to sign without BriteSmile's participation.
6. E-mail dated September 27, 2006, from Discus Dental, Inc. to BriteSmile, Inc., attaching requested inventor's declaration.
7. Executed Assignment Between BriteSmile, Inc./BriteSmile Development, Inc. to BriteSmile Professional, an Assignee for Discus Dental, Inc.
8. Copy of Form that was sent to Mr. Montgomery for signature.

As evidenced in the attachments, Applicant has attempted on numerous occasions to secure Eric Montgomery's signature, and has not succeeded. The last attempt was a request sent to BriteSmile, Inc. on September 27, 2006 (noted above). Applicant submits that Mr. Montgomery has full knowledge of this application as well as our attempts in securing his signature. As the spirit of this section is to ensure that the Inventors' rights be preserved, Applicant further submits that petitioning Under Article 14 Rule 4.15(b) to complete the application process clearly is Applicant's only remedy.

Applicant asserts that inventor Eric Montgomery is refusing to sign the Inventor's Declaration and Applicant respectfully requests that this Petition be granted.

Dated: Oct 2, 2006

Respectfully Submitted by:


Nancy N. Quan, Esq.

Registration No.: 36, 248
Britesmile Professional, Inc.
8550 Higuera Street
Culver City, California 90232
Direct Line: 310-845-8501
Facsimile: 310-845-8619
NancyQ@DiscusDental.com

Attachment 1

Page 3 of 3

Eric:

Naomi Brickey of Discus Dental has asked me to forward you the attached Declaration for the U.S. national phase application relating to the most recent PCT application in old BDI family VII.

You should carefully read the declaration to make sure you agree with everything it says. Once you are satisfied in that regard, please sign and date the declaration in the spaces indicated on page 2 of the form and send it directly to Naomi. I believe you have their address, but let me know if you need it.

If you have any questions you can call me, Naomi, or Nancy Quan.

Regards,

Dave

BEST AVAILABLE COPY

➔ **From:** Naomi Brickey [mailto:NaomiB@discusdental.com]
Sent: Monday, August 14, 2006 9:12 PM
To: nicki@quinlanpc.com
Cc: Nancy Quan; David Quinlan
Subject: 7800B.8005 or P1087PC03- PCT US2004/024070- BDI VII

Dear Nicki,

According the attached Ntc of Missing Requirements, it appears that no Inventor's Declaration was filed with the above-captioned PCT Application.

If an Inventor's Declaration has been executed, please be so kind as to e-mail me a copy, or in the alternative, please find an Inventor's Declaration for Mr. Montgomery's signature (also, if you would please fill in Mr. Montgomery's information at the bottom of page 2).

Best Regards,
Naomi

Attachment 2

Hi Eric,

Please see the attached.

Thank you,
Naomi

>>> "Eric Montgomery" <rem@oraceutical.com> 8/22/2006 11:52 AM >>>

Naomi / Nancy

Please forward a copy of the specification and claims,

Thanks

Eric

R Eric Montgomery

Manager/CEO

Oraceutical LLC

815 Pleasant Street

Lee, MA 01238

P 413.528.5070 ext 101

F 413.243.4100

C 413.204.2516

E rem@oraceutical.com

➔ **From:** David Quinlan [mailto:david@quinlanpc.com]

Sent: Tuesday, August 22, 2006 2:39 PM

To: 'Eric Montgomery'

Cc: 'Naomi Brickey'; 'Nancy Quan'

Subject: RE: 7800B.8005 or P1087PC03- PCT US2004/024070- BDI VII

→
Eric:

Naomi Brickey of Discus Dental has asked me to forward you the attached Declaration for the U.S. national phase application relating to the most recent PCT application in old BDI family VII.

You should carefully read the declaration to make sure you agree with everything it says. Once you are satisfied in that regard, please sign and date the declaration in the spaces indicated on page 2 of the form and send it directly to Naomi. I believe you have their address, but let me know if you need it.

If you have any questions you can call me, Naomi, or Nancy Quan.

Regards,

Dave

From: Naomi Brickey [mailto:NaomiB@discusdental.com]
Sent: Monday, August 14, 2006 9:12 PM
To: nicki@quinlanpc.com
Cc: Nancy Quan; David Quinlan
Subject: 7800B.8005 or P1087PC03- PCT US2004/024070- BDI VII

Dear Nicki,

According the attached Ntc of Missing Requirements, it appears that no Inventor's Declaration was filed with the above-captioned PCT Application.

If an Inventor's Declaration has been executed, please be so kind as to e-mail me a copy, or in the alternative, please find an Inventor's Declaration for Mr. Montgomery's signature (also, if you would please fill in Mr. Montgomery's information at the bottom of page 2).

Best Regards,
Naomi

A Hachiment 3

Hi Eric,

Please see the attached.

Thank you,
Naomi

➤ >>> "Eric Montgomery" <rem@oraceutical.com> 8/22/2006 11:52 AM >>>

Naomi / Nancy

Please forward a copy of the specification and claims.

Thanks

Eric

R Eric Montgomery

Manager/CEO

Oraceutical LLC

815 Pleasant Street

Lee, MA 01238

P 413.528.5070 ext 101

F 413.243.4100

C 413.204.2516

E rem@oraceutical.com

From: David Quinlan [mailto:david@quinlanpc.com]

Sent: Tuesday, August 22, 2006 2:39 PM

To: 'Eric Montgomery'

Cc: 'Naomi Brickey'; 'Nancy Quan'

Subject: RE: 7800B.8005 or P1087PC03- PCT US2004/024070- BDI VII

Naomi Brickey - RE: 7800B.8005 or P1087PC03- PCT US2004/024070- BDI VII

From: "Eric Montgomery"
To: "Naomi Brickey",
Date: 8/23/2006 12:58 PM
Subject: RE: 7800B.8005 or P1087PC03- PCT US2004/024070- BDI VII
CC: "Nancy Quan"

Naomi

"You will need to approach BriteSmile directly on this matter."

Regards

Eric

R Eric Montgomery

Manager/CEO

Oraceutical LLC

815 Pleasant Street

Lee, MA 01238

P 413.528.5070 ext 101

F 413.243.4100

C 413.204.2516

E rem@oraceutical.com

From: Naomi Brickey [mailto:NaomiB@discusdental.com]

Sent: Tuesday, August 22, 2006 4:29 PM

To: Eric Montgomery; david@quinlanpc.com

Cc: Nancy Quan

Subject: RE: 7800B.8005 or P1087PC03- PCT US2004/024070- BDI VII

Attachment 4 (continued)

Hi Eric,

Please see the attached.

Thank you,
Naomi

>>> "Eric Montgomery" <rem@oraceutical.com> 8/22/2006 11:52 AM >>>

Naomi / Nancy

Please forward a copy of the specification and claims,

Thanks

Eric

R Eric Montgomery

Manager/CEO

Oraceutical LLC

815 Pleasant Street

Lee, MA 01238

P 413.528.5070 ext 101

F 413.243.4100

C 413.204.2516

E rem@oraceutical.com

From: David Quinlan [mailto:david@quinlanpc.com]

Sent: Tuesday, August 22, 2006 2:39 PM

To: 'Eric Montgomery'

Cc: 'Naomi Brickey'; 'Nancy Quan'

Subject: RE: 7800B.8005 or P1087PC03- PCT US2004/024070- BDI VII

Attachment 5

Naomi Brickey - RE: 7800B.8005 or P1087PC03- PCT US2004/024070- BDI VII

From: "Eric Montgomery"
To: "'Naomi Brickey'",
Date: 8/23/2006 12:58 PM
Subject: RE: 7800B.8005 or P1087PC03- PCT US2004/024070- BDI VII
CC: "'Nancy Quan'"

 Naomi

-You will need to approach BriteSmile directly on this matter:

Regards

Eric

R Eric Montgomery

Manager/CEO

Oraceutical LLC

815 Pleasant Street

Lee, MA 01238

P 413.528.5070 ext 101

F 413.243.4100

C 413.204.2516

E rem@oraceutical.com

From: Naomi Brickey [mailto:NaomiB@discusdental.com]
Sent: Tuesday, August 22, 2006 4:29 PM
To: Eric Montgomery; david@quinlanpc.com
Cc: Nancy Quan
Subject: RE: 7800B.8005 or P1087PC03- PCT US2004/024070- BDI VII

Attachment 6

Naomi Brickey - Fwd: RE: 7800B.8005 or P1087PC03- PCT US2004/024070- BDI VII

From: Naomi Brickey
To: Woodrow, Maria
Date: 9/27/2006 5:30 PM
Subject: Fwd: RE: 7800B.8005 or P1087PC03- PCT US2004/024070- BDI VII
Attachments:

Hi Maria,

Here is the e-mail regarding the inventor's dec that needs to be signed.

Please see what you can do, any help would be appreciated!

Thanks,
Naomi

Attachment 7

ASSIGNMENT **(Intellectual Property)**

ASSIGNORS: BriteSmile, Inc.
460 Wiget Lane
Walnut Creek, CA 94598

BriteSmile Development, Inc.
460 Wiget Lane
Walnut Creek, CA 94598

ASSIGNEE: BriteSmile Professional, Inc.
8550 Higuera Street
Culver City, CA 90232

as assignee of
Discus Dental, Inc.
8550 Higuera Street
Culver City, CA 90232

ASSIGNED SUBJECT MATTER

All intellectual property in which each ASSIGNOR has any right, title, or interest, including but not limited to all "Patents" (as hereinafter defined), all "Marks" (as hereinafter defined), all "Confidential Information" (as hereinafter defined), and all "Related Rights" (as hereinafter defined).

1. "Patents" is defined to include all patents and patent applications identified on Schedule A, any patents issuing on any patent applications identified on Schedule A, the inventions disclosed in any of the foregoing, any and all counterpart United States, international and foreign patents, applications and certificates of invention based upon or covering any portion of the foregoing and all reissues, divisionals, renewals, extensions, provisionals, continuations and continuations-in-part of any of the foregoing.

2. "Marks" is defined to include all trademarks and servicemarks listed on Schedule B, including any pending applications and registrations in the United States or in any foreign jurisdiction related to the trademarks or servicemarks listed on Schedule B.

3. "Confidential Information" is defined to include, but not limited to, confidential information, financial information, member lists and information, marketing information, financial and technical trade secrets, techniques, processes, and know-how.

4. "Related Rights" is defined to include:

A. All goodwill of the business symbolized by the Marks:

B. All rights and causes of action to enforce the rights associated with each item referenced in paragraphs 1, 2, 3 and 4.A (collectively referred to herein as the "Assigned Subject Matter") in all countries, including all rights to claim and recover damages and

compensation for past or continuing infringements of or violation of rights to any item of Assigned Subject Matter in all relevant jurisdictions and all rights to apply in any or all countries of the world for patents, certificates of invention or other governmental grants for the Patents, including without limitation under the Paris Convention for the Protection of Industrial Property, the International Patent Cooperation Treaty, or any other convention, treaty, agreement or understanding.

NOW, THEREFORE, as part of the transfer of certain business and assets to which the Assigned Subject Matter is related, and for good and valuable consideration, the receipt of which from ASSIGNEE is hereby acknowledged, each of the ASSIGNORS does hereby sell, assign, transfer and set over to ASSIGNEE, its successors and assigns, the entire right, title and interest in and to each and every item of said Assigned Subject Matter.

Each ASSIGNOR hereby covenants that such ASSIGNOR has full right to convey the entire interest herein assigned and that such ASSIGNOR has not executed and will not execute any agreement in conflict herewith.

Each ASSIGNOR hereby authorizes and requests the Commissioner of Patents and Trademarks of the United States to issue the Assigned Subject Matter to the ASSIGNEE, its successors and assigns, in accordance with the terms of this instrument.

Each ASSIGNOR further agrees that it will communicate to ASSIGNEE any facts known to such ASSIGNOR respecting the Assigned Subject Matter, and testify in any legal proceeding, sign all lawful papers, make all rightful oaths and declarations, and generally do everything reasonably possible to aid ASSIGNEE to perfect title to, and obtain and enforce in all countries the properties and rights which comprise the Assigned Subject Matter.

The terms and conditions of this Assignment shall inure to the benefit of ASSIGNEE, its successors, assigns and other legal representatives, and shall be binding upon each ASSIGNOR, its successor, assigns and other legal representatives.

[REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]

3/1 IN WITNESS WHEREOF, ASSIGNORS have made this assignment effective as of
2006

"ASSIGNORS"

BriteSmile, Inc., a Utah corporation

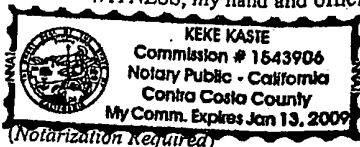
(Notarization Required)

By: J. C. FENELEY
Name: J. C. FENELEY
Title: PRESIDENT

State of CALIFORNIA)
County of CONTRA COSTA) ss.

On this 1st day of MARCH 2006, before me the undersigned, a Notary Public in and for the County and State aforesaid, personally appeared J. C. FENELEY, who is personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to within instrument and acknowledged to me that he executed the same in his authorized capacity and that by his signature on such instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS, my hand and official seal.



BriteSmile Development, Inc., a Delaware corporation

By: Nhat H. Ngo
Name: Nhat H. Ngo
Title: COO

State of CALIFORNIA)
County of CONTRA COSTA) ss.

On this 1st day of MARCH 2006, before me the undersigned, a Notary Public in and for the County and State aforesaid, personally appeared NHAT H. NGO, who is personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to within instrument and acknowledged to me that he executed the same in his authorized capacity and that by his signature on such instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS, my hand and official seal.

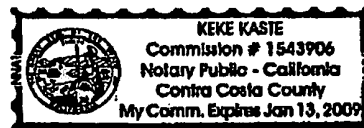
Keke Kaste

Accepted as of _____, 2006

"ASSIGNEE"

BriteSmile Professional, Inc.,
a California corporation

By: _____
Name: _____
Title: _____



BEST AVAILABLE COPY

IN WITNESS WHEREOF, ASSIGNORS have made this assignment effective as of

_____, 2006

"ASSIGNORS"

BriteSmile, Inc., a Utah corporation

(Notarization Required)

By: _____
Name: _____
Title: _____

State of _____)
County of _____) ss.

On this _____ day of _____, 2006, before me the undersigned, a Notary Public in and for the County and State aforesaid, personally appeared _____, who is personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to within instrument and acknowledged to me that he executed the same in his authorized capacity and that by his signature on such instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS, my hand and official seal. _____

BriteSmile Development, Inc., a Delaware corporation

(Notarization Required)

By: _____
Name: _____
Title: _____

State of _____)
County of _____) ss.

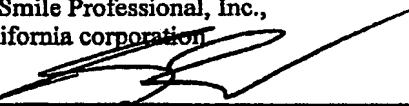
On this _____ day of _____, 2006, before me the undersigned, a Notary Public in and for the County and State aforesaid, personally appeared _____, who is personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to within instrument and acknowledged to me that he executed the same in his authorized capacity and that by his signature on such instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS, my hand and official seal. _____

Accepted as of _____, 2006

"ASSIGNEE"

BriteSmile Professional, Inc.,
a California corporation

By: 
Name: Ken Rosenblod
Title: CFO

SCHEDULE A
("Patents")

Pat./Publ. No.	Country	Status	Appln. No.	Title
5645428	US	Granted	08/570901	Method For Whitening Teeth
5713738	US	Granted	08/708527	Ditto
6254388	US	Granted	09/017076	Ditto
6361320	US	Granted	09/886708	Ditto
2005-084825	US	Published	10/797631	Ditto
6162055	US	Granted	09/234038	Light-Activated Tooth Whitening Composition and Method of Using Same
6343933	US	Granted	09/651171	Ditto
2003-198605	US	Published	10/434597	Ditto
743641	Australia	Granted	27647/99	Ditto
506250	New Zealand	Granted	506250	Ditto
	Canada	Pending	2320269	Ditto
1054642	Europe	Pending	99908146.6	Ditto
2002-502864	Japan	Pending	2000-531128	Ditto
2005-265933	US	Pending	11/179736	Light Activated Tooth Whitening Method
6416319	US	Granted	09/233793	Tooth Whitening Device and Method of Using Same
2005-048434	US	Pending	10/958058	Apparatus For Simultaneous Illumination of Teeth
	US	Pending	11/197868	Ditto
	Canada	Pending	2386808	Ditto
1229852	Europe	Published	00968811.0	Ditto
2003-511148	Japan	Published	2001-529369	Ditto

BEST AVAILABLE COPY

SCHEDULE A
("Patents")

Pat./Publ. No.	Country	Status	Appln. No.	Title
	New Zealand	Allowed	518224	Ditto
	New Zealand	Pending	542400	Ditto
6213671	US	Granted	09/234039	Adjustable Articulated Positioning Device
2005-084826	US	Published	10/969532	Tooth Whitening and Image Enhancement Center Method
6800671	US	Granted	09/552994	Low Peak Exotherm Curable Compositions
	US	Pending	11/214207	Ditto
D438622	US	Granted	29/099461	Tooth Whitening Device
756369	Australia	Granted	27744/99	AntiMicrobial Denture Adhesive Composition
	Canada	Pending	2321192	Ditto
2002-503520	Japan	Published	2000-532096	Ditto
2000/008179	Mexico	Published	008179	Ditto
6576227	US	Granted	09/237191	Peroxidase-Activating Oral Compositions
5908614	US	Granted	08/698474	Ditto
	US	Pending	11/200266	Ditto
6221341	US	Granted	09/196403	Tooth Whitening Compositions
2004-101497	US	Published	10/715917	Ditto
6348518	US	Granted	09/208969	Compositions For Making an Artificial Prosthesis
6472453	US	Granted	10/033077	Ditto
2002-137728	US	Published	10/056296	Topical Oral Care Compositions

BEST AVAILABLE COPY

SCHEDULE A
("Patents")

Pat./Publ. No.	Country	Status	Appln. No.	Title
	Australia	Pending	240115/02	Ditto
	South Korea	Pending	10-2003-7009818	Ditto
1370226	Europe	Published	2706004.5	Ditto
2005-503322	Japan	Published	2002-558996	Ditto
2005-008584	US	Published	10/846207	Therapeutic Dental Composition
2005-026107	US	Published	10/670950	Therapeutic Responsive Dental Gel Composition
WO05/011582	PCT	Entered natl. phase (below)	PCT/US04/24070	Compositions, Methods, Devices and Kits For Maintaining or Enhancing Tooth Whitening
	US	Pending	10/568054	Ditto
	Australia	Pending	Filed 2/28/06; no. not yet assigned	Ditto
	Europe	Pending	Filed 2/27/06; no. not yet assigned	Ditto
	Japan	Pending	Filed 1/30/06; no. not yet assigned	Ditto
	New Zealand	Pending	Filed 2/27/06; no. not yet assigned	Ditto
2005-221251	US	Published	11/044531	Method and Device For Improving Oral Health
2005-064371	US	Published	10/895694	Ditto
	US	Pending	11/344974	Ditto
	PCT	Pending	PCT/US06/03419	Ditto
6958144	US	Granted	10/050196	Methods of Whitening Teeth
	US	Pending	11/256654	Ditto

BEST AVAILABLE COPY

SCHEDULE A
("Patents")

Pat./Publ. No.	Country	Status	Appln. No.	Title
6488914	US	Granted	10/003210	Tooth Bleaching Compositions
6331292	US	Granted	09/192609	Ditto
6322773	US	Granted	09/374172	Ditto
6514543	US	Granted	10/004048	Ditto
6536628	US	Granted	10/000658	Ditto
6312670	US	Granted	09/054156	Ditto
5922307	US	Granted	08/719569	Ditto
2003-089886	US	Published	10/219965	Ditto
2002-141951	US	Published	10/039935	Ditto
	Australia	Pending	202240/04	Ditto
	Canada	Pending	2238764	Ditto
1314419	Europe	Published	03003653.7	Ditto
862408	Europe	Abandoned	EP 96933896.1	Ditto
862408	Germany	Granted	DE 69626297.5	Ditto
862408	Ireland	Granted	EP 96933896.1	Ditto
862408	France	Granted	EP 96933896.1	Ditto
862408	Great Britain	Granted	EP 96933896.1	Ditto

BEST AVAILABLE COPY

SCHEDULE B
("Marks")

<u>Trademark</u>	<u>Reg No./Ser. No.</u>	<u>Country</u>
BRITESMILE (design)	2271070	Argentina
BRITESMILE (design)	2271071	Argentina
BRITESMILE	2292349	Argentina
BRITE SMILE (and star design)	945213	Australia
BRITESMILE (word mark)	196325	Austria
BRITESMILE (word mark)	694739	Benelux
BRITESMILE (word mark)	823083373	Brazil
BRITESMILE (word mark)	823083365	Brazil
BRITESMILE (word mark)	823083357	Brazil
BRITESMILE (word mark)	1187928	Canada
BRITESMILE	591743	Chile
BRITESMILE	591744	Chile
BRITE SMILE (and star design)	3980309	China
BRITE SMILE (and star design)	3980308	China
BRITE SMILE (and star design)	3980307	China
BRITE SMILE (word mark)	1148006	CTM
BRITESMILE (word mark)	VR 005981 2000	Denmark
BRITESMILE (word mark)	222980	Finland
BRITESMILE (word mark)	003063592	France
BRITESMILE (word mark)	30045704	Germany
BRITESMILE (word mark)	145104	Greece
BRITESMILE	2001B04353	Hong Kong
BRITESMILE	2001B04354	Hong Kong
BRITESMILE	2001B04355	Hong Kong
BRITESMILE (characters)	2002B08029	Hong Kong
BRITESMILE (characters)	2002B08030	Hong Kong
BRITESMILE (characters)	2002B08031	Hong Kong
BRITESMILE (word mark)	D0020041503215144	Indonesia
BRITESMILE (word mark)	D0020041503115143	Indonesia
BRITESMILE (word mark)	229640	Ireland
BRITESMILE (word mark)	169706	Israel

BEST AVAILABLE COPY

SCHEDULE B
("Marks")

<u>Trademark</u>	<u>Reg No./Ser. No.</u>	<u>Country</u>
BRITESMILE (word mark)	169707	Israel
BRITESMILE (word mark)	169708	Israel
BRITESMILE (word mark)	77492000MI	Italy
BRITE SMILE (characters)	4496287	Japan
BRITE SMILE (characters)	4366608	Japan
BRITE SMILE (characters)	4381409	Japan
BRITE SMILE (word mark)	4463843	Japan
BRITESMILE (word mark)	4366	Korea
BRITESMILE (word mark)	62245	Kuwait
BRITESMILE (word mark)	62246	Kuwait
BRITESMILE (word mark)	00/08087	Malaysia
BRITESMILE (word mark)	00/08088	Malaysia
BRITESMILE (word mark)	00/08089	Malaysia
BRITESMILE (word mark)	680275	Mexico
BRITESMILE (word mark)	680276	Mexico
BRITESMILE (word mark)	744017	Mexico
BRITE SMILE (star design)	660784	New Zealand
BRITE SMILE (star design)	660785	New Zealand
BRITE SMILE (star design)	660786	New Zealand
BRITESMILE (word mark)	214316	Norway
BRITESMILE (word mark)	348438	Portugal
BRITESMILE (word mark)	T00/10863I	Singapore
BRITESMILE (word mark)	T00/10864G	Singapore
BRITESMILE (word mark)	T00/10865E	Singapore
BRITESMILE (characters)	T00/12496J	Singapore
BRITESMILE (characters)	T00/12497I	Singapore
BRITESMILE (word mark)	2005110595	South Africa
BRITESMILE (word mark)	2005110596	South Africa
BRITESMILE (word mark)	2331903M8	Spain
BRITESMILE (word mark)	2331904M6	Spain
BRITESMILE	355393	Sweden

BEST AVAILABLE COPY

SCHEDULE B
("Marks")

<u>Trademark</u>	<u>Reg No./Ser. No.</u>	<u>Country</u>
BRITESMILE (word mark)	485427	Switzerland
BRITESMILE (word mark)	980220	Taiwan
BRITESMILE (word mark)	940246	Taiwan
BRITESMILE (word mark)	144707	Taiwan
BRITE SMILE (and star design)	593925	Thailand
BRITE SMILE (and star design)	593924	Thailand
BRITE SMILE (and star design)	593923	Thailand
BRITESMILE (word mark)	2238725	United Kingdom
BRITEWHITE (word mark)	2291759	United Kingdom
BRITE SMILE (word mark)	2437487	United States
BRITE SMILE (and star design)	2437483	United States
BRITE SMILE (and star design)	2653132	United States
BRITESMILE (word mark)	2671645	United States
BRITESMILE ASSOCIATED TEETH WHITENING CENTER (word mark)	2812043	United States
BRITESMILE PROFESSIONAL TEETH WHITENING CENTERS (word mark)	2821945	United States
BRITE SMILE PROFESSIONAL TEETH WHITENING CENTERS (and star design)	2497751	United States
BRITESMILE TO GO	3030081	United States
BRITESTART	78/236324	United States
ENAMELWHITE	2987640	United States
KEEPS WHITE TEETH WHITE	2759140	United States
SMILE ASSURANCE	2512157	United States
SPEED & BEAUTY	2512185	United States
STABRITE	2902325	United States
TEENBRITE	78/292532	United States
WHITENING AT THE SPEED OF LIGHT	2494184	United States
BRITESMILE	237700-P	Venezuela
BRITESMILE	237699-P	Venezuela
BRITESMILE	19418-S	Venezuela

BEST AVAILABLE COPY

SCHEDULE C
("Copyrights")

Title	Registration No.	Registration Date
BRITESMILE BUBBLE POD	VA-1-326-732	5/27/05

BEST AVAILABLE COPY

Attachment 8

PTO/SB/01 (07-06)

Approved for use through 01/31/2007. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR 1.63)

☐ Declaration
Submitted
With Initial
Filing

OR

☒ Declaration
Submitted after Initial
Filing (surcharge
(37 CFR 1.16 (e))
required)

Attorney Docket
Number

P1087PC03

First Named Inventor

Montgomery

COMPLETE IF KNOWN

Application Number

10/568,054

Filing Date

February 10, 2006

Art Unit

Not yet assigned

Examiner Name

Not yet assigned

I hereby declare that:

Each inventor's residence, mailing address, and citizenship are as stated below next to their name.

I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

COMPOSITIONS, METHODS, DEVICES, AND KITS FOR MAINTAINING OR ENHANCING
TOOTH WHITENING

(Title of the Invention)

the specification of which

☐ is attached hereto

OR

☒ was filed on (MM/DD/YYYY) 07/28/2004 as United States Application Number or PCT International

Application Number PCT/US2004/024070 and was amended on (MM/DD/YYYY) (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

[Page 1 of 2]

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance completing the form, call 1-800-PTO-9199 and select option 2.

BEST AVAILABLE COPY

DECLARATION — Utility or Design Patent Application

Direct all correspondence to:		<input checked="" type="checkbox"/> The address associated with Customer Number:	53096	OR <input type="checkbox"/> Correspondence address below	
Name					
Address					
City			State		ZIP
Country		Telephone		Email	
WARNING:					
<p>Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.</p>					
<p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.</p>					
NAME OF SOLE OR FIRST INVENTOR:			<input checked="" type="checkbox"/> A petition has been filed for this unsigned inventor		
Given Name (first and middle [if any])			Family Name or Surname		
R. Eric			Montgomery		
Inventor's Signature					Date
Residence: City	State	Country		Citizenship	
Lee	MA	US		US	
Mailing Address					
815 Pleasant Street					
City	State	Zip		Country	
Lee	MA	10238		US	
<input type="checkbox"/> Additional inventors or a legal representative are being named on the _____ supplemental sheet(s) PTO/SB/02A or 02LR attached hereto.					